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Attorneys for Defendants

**IN THE UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION**

CENTER FOR BIOLOGICAL DIVERSITY,

Plaintiff,

v.

CHARLTON H. BONHAM, et al.,

Defendants.

) Case No. 3:17-cv-05685-MMC

)

)

) **STIPULATION AND [PROPOSED]
 ORDER DISMISSING CRAIG SHUMAN
 AS DEFENDANT AND SETTING
 DEADLINE FOR DEFENDANT
 BONHAM TO FILE ANSWER TO
 PLAINTIFF'S COMPLAINT**

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) Date: Dec. 8, 2017

) Time: 9:00 a.m.

) Dept: Courtroom 7, 19th Floor

) Judge: Hon. Maxine M. Chesney

) Trial Date: Not Yet Set

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By and through their counsel of record, Plaintiff Center for Biological Diversity,
 defendant Charlton H. Bonham, and defendant Craig Shuman hereby enter the following
 stipulation.

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Recitals

1. On October 3, 2017, Plaintiff Center for Biological Diversity filed a complaint against defendant Charlton H. Bonham, in his official capacity as the Director of the California Department of Fish and Wildlife, and against defendant Craig Shuman, in his official capacity as the Manager of the Marine Region of the California Department of Fish and Wildlife. (Dkt. No. 1).

2. On October 27, 2017, defendants filed a motion to dismiss defendant Craig Shuman pursuant to Federal Rule of Civil Procedure 12(b)(6). (Dkt. No. 10). Defendants' motion to dismiss asserts that no claim for relief can be stated against defendant Craig Shuman because he has been improperly joined as a defendant.

3. Plaintiff and defendants believe this stipulation will conserve judicial resources and aid in the expeditious resolution of this case.

Stipulation

On the basis of the foregoing, plaintiff Center for Biological Diversity, defendant Charlton H. Bonham, and defendant Craig Shuman hereby stipulate as follows:

1. Plaintiff Center for Biological Diversity shall dismiss defendant Craig Shuman from the complaint with prejudice; and

2. Defendant Charlton H. Bonham, in his official capacity as Director of the California Department of Fish and Wildlife, shall file an answer to Plaintiff's complaint on or before November 17, 2017.

IT IS SO STIPULATED.

Dated: November 8, 2017

/s/ Kristen Monsell

Kristen Monsell
Catherine Kilduff

Attorneys for Plaintiff

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/s/ Gary Alexander
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)

[PROPOSED] ORDER

Based on the stipulation of the parties, the Court orders the following:

1. Defendant Craig Shuman is hereby dismissed from the complaint with prejudice; and

THE HONORABLE MAXINE M. CHESNEY
UNITED STATES DISTRICT COURT JUDGE

ATTESTATION PURSUANT TO LOCAL RULE 5-1

I, Kristen Monsell, am the ECF User whose identification and password are being used to file the foregoing Stipulation to Dismiss Craig Shuman as a Defendant and for Defendant Bonham to File an Answer. Pursuant to Local Rule 5-1(i)(3), I hereby attest that the other signatory has concurred in this filing.

DATED: November 8, 2017

/s/ Kristen Monsell
Kristen Monsell

Attorney for Plaintiff
Center for Biological Diversity